

Texas Commission on Environmental Quality
INTEROFFICE MEMORANDUM

2008 JUL -2 PM 4: 17

CHIEF CLERKS OFFICE

TO: Les Trobman, General Counsel, TCEQ **Date:** July 2, 2008

THRU: Kathleen C. Decker, Division Director, Litigation Division *VLD*
Jeffrey J. Huhn, Senior Attorney, Litigation Division *JH*

FROM: Xavier Guerra, Attorney, Litigation Division

SUBJECT: Request for Remand of Old Business Agenda Item #1 continued from the June 4, 2008, agenda; Armaan Enterprises, Inc. dba Stop N to Go; TCEQ Docket No. 2004-0507-PST-E; SOAH Docket No. 582-08-1241; July 9, 2008, 1:00 P.M. Commission Agenda

The Executive Director ("ED") respectfully requests that the above-referenced item be remanded to the State Office of Administrative Hearings ("SOAH"). The matter was scheduled for a SOAH preliminary hearing at 10:00 a.m. on February 7, 2008. The Respondent did not attend the hearing. The ED, through a representative of the Litigation Division, requested and was granted a default order. On February 22, 2008, the certified envelope containing the Chief Clerk's Public Hearing Notice for the preliminary hearing was returned to the Chief Clerk's Office undelivered. It is now evident that the Respondent did not receive proper notice of the preliminary hearing. Because the Respondent did not receive proper notice of the preliminary hearing, the ED requests a remand of this matter to SOAH. The Respondent can be contacted through Mr. Aslam Virani, President, Armaan Enterprises, Inc., 6733 Sapphire Cir. N., Colleyville, Texas 76034.

Please do not hesitate to call me at (210) 403-4016 if you have any questions regarding this matter.

cc: The Honorable Howard S. Seitzman, State Office of Administrative Hearings, P.O.
Box 13025, Austin, Texas 78711-3025
Mr. Thomas Greimel, Enforcement Division, MC 128
Mr. Sam Barrett, Dallas/Fort Worth Regional Office, MC R-4
Agenda Coordinator, Litigation Division, MC 175